

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVE VLASICH,

Plaintiff,

v.

DR. HOFFMAN,

Defendants.

1:99-CV-6472 AWI WMW P

**ORDER GRANTING PLAINTIFF'S
MOTION IN LIMINE CONCERNING
PRIOR CONVICTIONS**

**ORDER REQUIRING PARTIES TO
DISCLOSE WHAT PRIOR CONVICTIONS,
BAD ACTS, OR MISCONDUCT THEY
INTEND TO USE AS IMPEACHMENT**

/ (Document #102)

Plaintiff Steven Vlasich is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 11, 2007, Plaintiff filed a document entitled "Motion In Limine." In this motion Plaintiff requests that Defendants inform him which, if any, prior convictions, bad acts, or misconduct Defendants intend to admit for use during trial.

The court finds that to assist the parties' trial preparation, Defendants should inform Plaintiff concerning this evidence. This will allow all parties to make the appropriate motions in limine concerning this evidence. Rule 404(b) of the Federal Rules of Evidence prohibits the admission of other crimes, wrongs, or acts to prove the character of a person in order to show an action in conformity therewith, but such evidence may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. Rule 609(a)(1) of the Federal Rules of Evidence provides that evidence that a witness has been convicted of a crime shall be admitted, subject to Rule 403, if the crime was

1 punishable by imprisonment in excess of one year under the law under which the witness was
2 convicted. Fed.R.Evid. 609(a)(1). Rule 609(a)(2) provides that “evidence that any witness has
3 been convicted of a crime shall be admitted regardless of the punishment, if it readily can be
4 determined that establishing the elements of the crime required proof or admission of an act of
5 dishonesty or false statement by the witness.” Fed.R.Evid. 609(a)(2). Evidence of a conviction
6 under Rule 609 is not admissible if more than ten years has elapsed since the date of the
7 conviction or of the release of the witness from the confinement imposed for that conviction,
8 whichever is later. Fed.R.Evid. 609(b). In order so that the parties can correctly address the
9 Evidence Rules in their motions in limine, all parties must disclose their intent to use this type of
10 evidence in advance of trial.

11 Accordingly, Plaintiff’s December 11, 2007 motion in limine requesting the prior
12 convictions, bad acts, or misconduct Defendants intend to admit is GRANTED. The parties
13 shall exchange this information no later than August 22, 2008.

14
15 IT IS SO ORDERED.

16 **Dated:** August 12, 2008

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE